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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,970	05/14/2001	Gary Zeik	8236-3	9096

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,970

Applicant(s)

ZEIK ET AL.

Examiner

Chi Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 30-40, 49, 51 and 52 is/are allowed.
- 6) ☒ Claim(s) 1, 5-29, 41-48, 50 and 53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is response to the applicant's amendment filed on 12/4/02. Examiner apologizes for the claims 20-29, 42-43 were left out in the previous office action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-11, 41-48, 50 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillmore (US 5,832,676) in view of Brent (US 5,695,443).

Gillmore discloses a building structure 100 comprises plurality of modules 110, 120, 130, 140 having a roof. The modules 110, 120, 130, 140 having a support frame structure 200 is made from aluminum tubing, a barrier comprise walls 261, 264, a door 149. Each of the modules have a major axis, which are horizontal 114, a vertical 112 axis defined along their length and the major axes of the first plurality of modules are substantially parallel to each other and the major axes of the second plurality of modules are substantially parallel to each other, the major of the second plurality of modules are substantially perpendicular to the major axes of the first plurality of modules, the plurality of modules are coupled to a foundation 240 and the barrier 261, 264 abut the foundation, wherein medical or scientific personnel are required to physically be in the interior space preparatory to operation of the high energy radiation

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source (see col. 4, lines 55-69) inherently having medical devices to perform the X-ray or CAT scan.

Gillmore does not disclose expressly the barrier including first and second spaced rigid walls and a quantity of radiation shielding filler material, the roof comprising a rigid floor supporting a quantity of radiation shielding filler material above the central treatment area, the second plurality of modules over the barrier formed by the first plurality of modules are in fluid communication with the barrier such that radiation shielding filler material provided into the roof barrier can flow into the barrier.

Brent teaches high-energy radiation emission shelter comprising a module having two major components 12, 14 together serve as a barrier including first, second spaced rigid walls and a quantity of radiation shielding filler material 18 in between the two walls, a roof 72 having a rigid floor 42 supporting a quantity of radiation shielding filler 18 in the fluid communication, which the radiation shielding filler flow into the barrier (see figs. 3-4).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Gillmore with Brent for the barrier including the first, the second spaced rigid walls and the quantity of radiation shielding filler material between two walls and the roof having the rigid floor with the radiation shielding filler communicated with the wall barrier. The motivation for doing so would have been to provide more accurate control of the radiation emission from the medical devices would be escaped through wall or roof barriers.

3. Claims 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillmore (US 5,832,676) in view of Brent (US 5,695,443).

Gillmore and Brent teach the structural elements for the modules with radiation shielded barrier as stated in paragraph 2 except for the modules each have a length not exceeding about 53' a width not exceeding about 14', and a height not exceeding about 13'6". It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the specific dimensions for the module, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art.

4. Claims 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillmore (US 5,832,676) in view of Brent (US 5,695,443).

Gillmore and Brent teach the structural elements for the modules with radiation-shielded barrier as stated in paragraph 2. Gillmore and Brent do not teach expressly the method of assembly the building modules; examiner considers this to be obvious method of setting up the device of claims.

Allowable Subject Matter

5. Claims 2-4, 30-40, 49 and 51-52 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fail to disclose or render obvious the claimed combination including at least tow of the plurality of modules each include portions of the first and second spaced apart rigid walls, the portions defining a channel so that the radiation shielding filler material can flow into the

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adjacent channel. And the door and the retractable threshold having radiation shielding material with a lifting mechanism as specifically set forth in the claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 5-29, 41-48, 50 and 53 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Swensson (US 6,243,993) teaches the modular healthcare room interior.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

CQN
3/7/03


Carl D. Friedman
Supervisory Patent Examiner
Group 3600